

AMENDED IN ASSEMBLY JULY 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1648**

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Introduced by ~~Committee on Transportation~~ (~~Torlakson~~  
(~~Chair~~), ~~Baldwin, Bates, Correa, Davis, House, Longville,~~  
~~Maldonado, Margett, Nakano, Scott, Strom-Martin, and~~  
~~Zettel~~) *Assembly Member Aroner*  
(*Principal coauthors: Assembly Members Corbett, Migden,*  
*and Shelley*)  
(*Coauthor: Senator Perata*)

March 8, 1999

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~~An act to amend Section 9107 of the Vehicle Code, relating~~  
~~to vehicles. An act to amend Section 29142.2 of the Public~~  
~~Utilities Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1648, as amended, ~~Committee on Transportation~~  
~~Alpert. Vehicles: weight fees—Transportation: San Francisco~~  
~~Bay Area Rapid Transit District: transactions and use tax.~~

*Existing law requires that revenues collected under a*  
*specified transactions and use tax that are available for*  
*distribution be allocated 75% to the San Francisco Bay Area*  
*Rapid Transit District and 25% to the district and certain*  
*other local entities for transit services.*

*This bill would make a technical, nonsubstantive change in*  
*existing law and set forth findings and declarations regarding*  
*public transit.*

~~Existing law exempts specified vehicles from the weight fees imposed on commercial vehicles.~~

~~This bill would make technical, nonsubstantive changes in that law, including changing a cross reference to federal law that has been revised.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 9107 of the Vehicle Code is~~  
2     ~~SECTION 1. The Legislature hereby finds and~~  
3     ~~declares all of the following:~~  
4     ~~(a) The San Francisco Bay Area must provide the~~  
5     ~~means to satisfy the increasing demand for public transit~~  
6     ~~while at the same time addressing welfare-to-work~~  
7     ~~transportation and improving air quality by reducing~~  
8     ~~dependence on automobile travel.~~  
9     ~~(b) The Transportation Equity Act for the 21st~~  
10    ~~Century (P.L. 105-178; commonly known as TEA-21),~~  
11    ~~enacted by the Congress of the United States and signed~~  
12    ~~into law by President Clinton in 1998, provides that, in~~  
13    ~~urban areas having over 200,000 population, federal~~  
14    ~~operating assistance is no longer provided to transit~~  
15    ~~operators.~~  
16    ~~(c) TEA-21 permits the use of federal capital funds to~~  
17    ~~replace lost federal operating assistance through the use~~  
18    ~~of a new capital definition known as “preventive~~  
19    ~~maintenance.”~~  
20    ~~(d) TEA-21 delegates decisions regarding the use of~~  
21    ~~preventive maintenance funds to the Metropolitan~~  
22    ~~Transportation Commission, acting as the Metropolitan~~  
23    ~~Planning Organization for the San Francisco/Oakland~~  
24    ~~Urbanized Area, a part of the nine-county San Francisco~~  
25    ~~Bay Area.~~  
26    ~~(e) The Metropolitan Transportation Commission did~~  
27    ~~not apply capital funds toward preventive maintenance~~  
28    ~~projects as a means to replace federal operating~~  
29    ~~assistance. All other Metropolitan Planning~~

1 *Organizations in large urbanized areas utilize this*  
2 *funding flexibility.*

3 *(f) TEA-21 also permits the use of federal capital funds*  
4 *to reimburse transit operators for a part of the cost of*  
5 *providing paratransit services as required under the*  
6 *Americans with Disabilities Act of 1990 (P.L. 101-336;*  
7 *commonly known as the ADA) if certain conditions have*  
8 *been met.*

9 *(g) TEA-21 delegates to Metropolitan Planning*  
10 *Organizations the option to use federal capital funds to*  
11 *offset ADA paratransit expenses and to establish a*  
12 *formula for allocating capital funds for paratransit*  
13 *services.*

14 *(h) The Metropolitan Transportation Commission*  
15 *programmed federal capital funds to help defray costs of*  
16 *providing ADA paratransit service to transit operators in*  
17 *the San Francisco/Oakland Urbanized Area with no*  
18 *relation to actual paratransit costs for one year, in 1998,*  
19 *and for five years, in 1999.*

20 *(i) Section 29140 of the Public Utilities Code*  
21 *authorizes the imposition of a sales tax by the board of*  
22 *directors of the San Francisco Bay Area Rapid Transit*  
23 *District for public transit in the Counties of Alameda and*  
24 *Contra Costa and in the City and County of San*  
25 *Francisco. Section 29140 of the Public Utilities Code also*  
26 *provides that this authority is subject to review and*  
27 *amendment by the Legislature.*

28 *(j) Revenues collected under Section 29140 of the*  
29 *Public Utilities Code may be used to replace lost federal*  
30 *operating assistance, ADA paratransit expenses,*  
31 *welfare-to-work transportation needs, and to improve the*  
32 *region's air quality.*

33 *(k) It is the intent of the Legislature that revenues*  
34 *collected under Section 29140 of the Public Utilities Code*  
35 *be directed to effectively address the transit needs in the*  
36 *Counties of Alameda and Contra Costa and in the City*  
37 *and County of San Francisco.*

38 *SEC. 2. Section 29142.2 of the Public Utilities Code is*  
39 *amended to read:*

1 29142.2. Notwithstanding Section 7271 of the  
2 Revenue and Taxation Code, after deduction for the cost  
3 of the State Board of Equalization in administering the  
4 transactions and use tax, the amounts collected under the  
5 ordinance adopted pursuant to Section 29140 and  
6 available for distribution shall be allocated as follows:

7 (a) Seventy-five percent *shall be allocated* to the San  
8 Francisco Bay Area Rapid Transit District.

9 (b) Twenty-five percent shall be allocated by the  
10 Metropolitan Transportation Commission to the San  
11 Francisco Bay Area Rapid Transit District, the City and  
12 County of San Francisco for its municipal railway system,  
13 and the Alameda-Contra Costa Transit District for transit  
14 services on the basis of regional priorities established by  
15 the commission. The allocations by the commission to  
16 these transit operators for transit services shall be in  
17 accordance with the criteria in the financial management  
18 plan which is to be developed and annually revised by the  
19 commission in coordination with the Alameda-Contra  
20 Costa Transit District, the San Francisco Bay Area Rapid  
21 Transit District, and the City and County of San  
22 Francisco.

23 ~~amended to read:~~

24 ~~9107. The weight fees for commercial vehicles~~  
25 ~~specified in Section 9400 do not apply to any of the~~  
26 ~~following:~~

27 ~~(a) Any vehicle operated by a passenger stage~~  
28 ~~corporation, as defined in Section 226 of the Public~~  
29 ~~Utilities Code, that is subject to the jurisdiction of the~~  
30 ~~Public Utilities Commission, if all of the following~~  
31 ~~conditions are met:~~

32 ~~(1) When the vehicle is operated exclusively on any~~  
33 ~~line or lines having a one-way route mileage not~~  
34 ~~exceeding 15 miles, and if each of those lines is operated~~  
35 ~~in either of the following areas:~~

36 ~~(A) In urban or suburban areas or between cities in~~  
37 ~~close proximity.~~

38 ~~(B) Between nonadjacent urban or suburban areas or~~  
39 ~~cities, the area between which is substantially residential,~~  
40 ~~commercial, or industrial as distinguished from rural.~~

1 ~~(2) When the principal business of the passenger stage~~  
2 ~~corporation is the operation of vehicles on a route or~~  
3 ~~routes described in paragraph (1):~~

4 ~~(b) Any vehicle operated exclusively on any line or~~  
5 ~~lines within the limits of a single city by a person engaged~~  
6 ~~as a common carrier of passengers between fixed termini~~  
7 ~~or over a regular route, 98 percent of whose operations,~~  
8 ~~as measured by total route mileage operated, are~~  
9 ~~exclusively within the limits of a single city, and who by~~  
10 ~~reason thereof is not a passenger stage corporation~~  
11 ~~subject to the jurisdiction of the Public Utilities~~  
12 ~~Commission:~~

13 ~~(c) Vanpool vehicles:~~

14 ~~(d) Any vehicle purchased with federal funds under~~  
15 ~~the authority of subsection (a) of Section 5310 of Title 49~~  
16 ~~of the United States Code or Chapter 35 (commencing~~  
17 ~~with Section 3001) of Title 42 of the United States Code~~  
18 ~~for the purpose of providing specialized transportation~~  
19 ~~services to senior citizens and handicapped persons by~~  
20 ~~public and private nonprofit operators of specialized~~  
21 ~~transportation service agencies:~~

22 ~~(e) Any vehicle operated solely for the purpose of~~  
23 ~~providing specialized transportation services to senior~~  
24 ~~citizens and persons with disabilities, by a nonprofit,~~  
25 ~~public benefit consolidated transportation service agency~~  
26 ~~designated under Section 15975 of the Government Code:~~